

# **UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO**

## **GUIDELINES GOVERNING REIMBURSEMENT OF EXPENSES INCURRED BY COURT APPOINTED COUNSEL TO PRO BONO CASES (CIVIL CASES ONLY)**

### **I. Introduction**

It is the policy of the United States District Court for the District of Puerto Rico ("District Court") to encourage members of the bar to represent parties who are unable to afford counsel. In furtherance of this policy, the District Court adopts these guidelines governing the reimbursement of expenses of court appointed counsel ("Guidelines").

When an attorney has been appointed by the District Court to represent an indigent party in a civil matter, that attorney may petition the District Court for reimbursement of certain expenses. These expenses, which are defined in these Guidelines, must be incurred in the preparation and presentation of the case before the District Court. Funding for this reimbursement program shall be obtained from the District Court's Non-Appropriated Funds - Special Fund for reimbursement of expenses to attorneys assigned pro-bono cases ("Special Fund") and the maximum limit allowable, absent extraordinary circumstances, is \$5,000.00 per client represented and/or per case, as determined by the presiding judge.

For purposes of these Guidelines, "presiding judge" means the district judge assigned to the case or magistrate judge, if the parties have consented pursuant to 28 U.S.C. § 636(c).

### **II. Limitations on Eligibility**

Any costs which are recoverable under the provisions of Titles 18 or 28 of the United States Code or which have been recovered under any other plan for reimbursement or which have been waived shall not be reimbursed from the Special Fund. In no case shall an appointed attorney for a party who has been awarded costs and/or fees pursuant to a judgment in an action before the District Court be eligible for reimbursement from the Special Fund.

Only those costs associated with the preparation or presentation of a civil action in the District Court shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the United States Court of Appeals for the First Circuit or of a petition to the United States Supreme Court shall be reimbursed from the Special Fund.

### **III. Procedure for Obtaining Reimbursement**

Requests for reimbursement of expenses shall be made on the voucher form approved by the District Court (attached as Appendix A) and available at the Clerk's Office. The voucher form shall be accompanied by sufficient documentation to permit the District Court to determine that the request is appropriate and reasonable and that the amounts have actually been paid out. The application for reimbursement shall be filed with the District Court and may be made at any time during the pendency of the proceeding and up to thirty (30) days following either the entry of judgment on the merits in the case, the entry of an order dismissing a settled action or, in cases where the represented party is seeking an award of attorneys fees and/or costs, the entry of judgment awarding or denying fees and/or costs. The presiding judge may, for good cause shown, extend the time for filing an application for reimbursement.

In cases in which an appointed attorney has withdrawn or has been dismissed prior to the entry of a judgment, that attorney shall file the application for reimbursement within thirty (30) days of withdrawal or dismissal. Any work product or services obtained for which reimbursement of expenses is requested from the Special Fund shall subsequently be provided to newly-appointed counselor or to the party, where no new counsel is appointed.

### **IV. Allowable Expenses**

An appointed attorney may request reimbursement of the following expenses, subject to approval by the presiding judge. Approval of expenditures will not be automatic and counsel shall be prepared to support any request for reimbursement.

#### ***A. Depositions and Transcripts***

An appointed attorney may order transcripts of depositions necessary for the preparation of the case. The costs of such shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time any transcript was filed unless another rate was previously provided for by Order of the District Court. Only the cost of the original of any transcript shall be allowed.

#### ***B. Investigative or Expert Services***

Counsel may request investigative or expert services necessary for the adequate preparation of a matter to be presented before the District Court. Such services must have prior District Court approval by the presiding judge in order to seek reimbursement from the Special Fund.

### **C. *Travel Expenses***

Travel by privately-owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses.

### **D. *Service of Papers and Witness Fees***

Reasonable fees for service of papers and the appearance of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the Special Fund.

### **E. *Interpreter Services***

Costs of interpreter services not otherwise avoided, waived or recoverable may be reimbursed from the Special Fund.

### **F. *Photocopying, Photographs, Etc.***

Actual out-of-pocket expenses incurred for such items as photocopying, photographs, telegrams, and the like necessary for the preparation of a case may be reimbursed from the Special Fund.

### **G. *Other Expenses***

Expenses other than those described above may be approved by the presiding judge. No single expense under this section exceeding \$100.00 shall be reimbursed absent the prior approval of the presiding judge. When requesting reimbursement under this section, a detailed description of the expenses should be attached to the petition for reimbursement filed with the Clerk of Court.

## **V. *Non-Allowable Expenses***

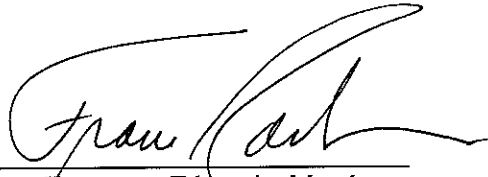
General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment and any general expense that would normally be reflected in the fee charged to a client are not reimbursable from the Special Fund. Any costs incurred in conducting computer-assisted legal research are also not reimbursable from the Special Fund. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable. Any expense not properly documented with receipts or other proof may be disallowed by the presiding judge.

Expenses which **may be** statutorily recovered or costs or fees taxed against a party or appointed counsel are not reimbursable from the Special Fund.

## **VI. Processing of Requests for Reimbursement**

On receipt of the voucher form indicating amounts approved by the presiding judge for reimbursement, the Clerk of Court shall determine whether or not any payments have previously been made out of the Special Fund to cover expenses in the same proceeding. If no such payments have been made, the Clerk of Court shall promptly issue the required check or checks in the amount indicated on the voucher form or the limit set by these Guidelines, whichever is lower. Where payments have previously been made from the Special Fund for expenses in the proceeding, the Clerk of Court will determine whether the amounts authorized by the current voucher together with the amounts previously paid require consideration by the presiding judge as to whether the matter presents extraordinary circumstances to justify payment in excess of the \$5,000.00 limit set by these Guidelines. Where such consideration is required, the Clerk of Court shall promptly transmit the voucher to the presiding judge. On receipt of an approved voucher, the Clerk of Court shall promptly issue the required check or checks in the amounts allowed by the presiding judge. If the presiding judge disallowed any or all of the requested amounts, the Clerk of Court shall promptly transmit to the submitting attorney a copy of the voucher showing the action of the District Court.

These Guidelines were adopted by the District Court on March 4, 2005.



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Frances Ríos de Morán  
Clerk of Court

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO



DISTRICT COURT SPECIAL FUND REIMBURSEMENT VOUCHER

\_\_\_\_\_ v. \_\_\_\_\_ -CV- \_\_\_\_\_

I, \_\_\_\_\_, duly appointed as counsel to represent \_\_\_\_\_ in the above entitled action, pursuant to Local Civil Rule 83.1(c)(1), hereby request reimbursement from the Non-Appropriated Funds - Special Fund of the following expenses incurred in the representation of my client before the District Court:

Fees of the court reporter for transcripts or depositions necessary for the preparation of the case .....	\$ _____
Fees for investigative or expert services (with prior Court approval) .....	\$ _____
Travel expenses .....	\$ _____
Fees for service of papers .....	\$ _____
Fees for witnesses .....	\$ _____
Fees for interpreter services .....	\$ _____
Expenses of photocopies, photographs, toll calls, telegrams, etc. necessary for the preparation of the case .....	\$ _____
Other Expenses (attach detailed description of expenses).....	\$ _____
<b>Total</b>	<b>\$ _____</b>

I certify that the expenses noted above are reasonable and necessary. I further understand that, absent extraordinary circumstances, cumulative expenses in this matter are limited to \$5,000.00.

Signature of Attorney \_\_\_\_\_ Date: \_\_\_\_\_

Name of attorney/Payee \_\_\_\_\_

Mailing Address \_\_\_\_\_

Payee's Social Security Number or Employer I.D. Number \_\_\_\_\_

It is ordered that payment from the Non-Appropriated Funds - Special Fund be made in the amount of \$ \_\_\_\_\_.

Signature of Presiding Judicial Officer \_\_\_\_\_ Date: \_\_\_\_\_